

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

THE UNITED STATES OF AMERICA,)	Civil No.
)	
Plaintiff,)	
)	
v.)	NOTICE
)	
0.98 ACRES OF LAND, more or less,)	
situated in HIDALGO COUNTY, STATE)	
OF TEXAS; and PAMELA RIVAS, et al.,)	
)	
Defendants.)	
_____)	

**TO: ALL NAMED IN SCHEDULE "G" ATTACHED HERETO
AND UNKNOWN OTHERS**

You are hereby notified that a Complaint in Condemnation and a Declaration of Taking have heretofore been filed in the Office of the Clerk of the above-named Court in an action to condemn certain estates, described in Schedule "E" annexed hereto, for public uses in the property described in Schedule "C" annexed hereto. The authority for the taking is set forth in Schedule "A", annexed hereto. The uses for which the property is to be taken are set forth in Schedule "B" annexed hereto.

You are further notified that if you have any objection or defense to the taking of your property, you are required to serve upon plaintiff's attorney at the address herein designated within twenty (20) days after service of this notice upon you, an answer identifying the property in which you claim to have an interest, stating the nature and extent of the interest claimed and stating all your objections or defenses to the taking of your property. A failure so to serve an

answer shall constitute a consent to the taking and to the authority of the Court to proceed to hear the action and to fix just compensation, and shall constitute a waiver of all defenses and objections not so presented.

You are further notified that if you have no objection or defense to the taking, you may serve upon plaintiff's attorney a notice of appearance designating the property in which you claim to be interested, and thereafter you shall receive notice of all proceedings affecting the said property.

You are further notified that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence as to the amount of compensation to be paid for the property acquired herein and you may share in the distribution of the award for compensation.

You are further notified, however, that unless you file a notice of appearance, this proceeding may proceed to pretrial or trial without further notice to you.

Respectfully submitted,

DONALD J. DeGABRIELLE, JR.
United States Attorney

By: /s/ Daniel D. Hu
DANIEL DAVID HU
Assistant United States Attorney
Texas Bar No. 10131415
919 Milam, Suite 1500
P.O. Box 61129
Houston, Texas 77208-1129
Tel: (713) 567-9000
Fax: (713) 718-3303
E-mail: Daniel.hu@usdoj.gov

Attorney In Charge for the United States of America

SCHEDULE A

SCHEDULE "A"
AUTHORITY FOR THE TAKING

The property is taken under and in accordance with the Act of Congress approved on February 26, 1931, as 46 Stat. 1421 and codified at 40 U.S.C. Section 3114, and the Act of Congress approved August 1, 1888, as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

SCHEDULE B

SCHEDULE "B"
PUBLIC PURPOSE

The public purpose for which said land is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE "C"
LEGAL DESCRIPTION

FEE, EXCLUDING MINERALS

Hidalgo County, Texas

Tract: RGV-MCS-1004

Owner: Pamela Rivas, et al.

Acres: 0.41

BEING a certain tract of land containing 0.41 acres, more or less, of 2.61 acres, more or less, situated in Block 101 of the Los Ebanos Village Subdivision, of the partition of Porciones 38, 39, and 40, Hidalgo County, Texas, being more particularly described as follows:

BEING a strip of land approximately 60 feet in width and approximately 300 feet in length, which crosses the land of the subject owner, and contains 0.41 acres, more or less, located within the western one-third of the 2.61 acre parent tract, and as shown on the attached map.

IT IS THE INTENT of the foregoing description to include a part of the same land as that in a Deed of Gift from Ines G. Rivas, Sr. a/k/a/ Inez G. Rivas and Oralia S. Rivas to Pamela Rivas, dated March 23, 2006, and filed for record on March 24, 2006, in Volume 7, Page 13210, as Instrument No. 2006-1594667, in the Deed Records of Hidalgo County, Texas, according to and being the same land as that shown on map recorded in Volume 13, Page 47 of the Map Records of Hidalgo County, Texas.

This tract is further identified as Hidalgo County Appraisal District, Property ID. No. R221782.

Tract: RGV-MCS-1004

SCHEDULE "C" (Cont.)
LEGAL DESCRIPTION

PERPETUAL ROAD EASEMENT

Hidalgo County, Texas

Tract: RGV-MCS-1004E-1 Owner: Pamela Rivas, et al. Acres: 0.37

BEING a certain tract of land containing 0.37 of an acre, more or less, of 2.61 acres, more or less, situated in Block 101 of the Los Ebanos Village Subdivision, of the partition of Porciones 38, 39, and 40, Hidalgo County, Texas, being more particularly described as follows:

BEING a strip of land starting at the north edge of the right-of-way of a public road in the southeast corner of said block and running northwesterly, said strip being approximately 40 feet in width and approximately 399 feet in length, which crosses the land of the subject owner, and contains 0.37 of an acre, more or less, as shown on the attached map.

IT IS THE INTENT of the foregoing description to include a part of the same land as that in a Deed of Gift from Ines G. Rivas, Sr. a/k/a/ Inez G. Rivas and Oralia S. Rivas to Pamela Rivas, dated March 23, 2006, and filed for record on March 24, 2006, in Volume 7, Page 13210, as Instrument No.2006-1594667, in the Deed Records of Hidalgo County, Texas, according to and being the same land as that shown on map recorded in Volume 13, Page 47 of the Map Records of Hidalgo County, Texas

This tract is further identified as Hidalgo County Appraisal District, Property ID. No. R221782.

Tract: RGV-MCS-1004E-1

SCHEDULE "C" (Cont.)

LEGAL DESCRIPTION

TEMPORARY ACCESS EASEMENT

Hidalgo County, Texas

Tract: RGV-MCS-1004E-2 Owner: Pamela Rivas, et al. Acres: 0.10

BEING a certain tract of land containing 0.10 of an acre, more or less, of 2.61 acres, more or less, situated in Block 101 of the Los Ebanos Village Subdivision, of the partition of Porciones 38, 39, and 40, Hidalgo County, Texas, being more particularly described as follows:

BEING a strip of land starting at the north edge of the right-of-way of a public road in the southeast corner of said block and running northwesterly adjacent to the north side of the perpetual easement, said strip being approximately 10 feet in width and approximately 421 feet in length, which crosses the land of the subject owner, and contains 0.10 of an acre, more or less, as shown on the attached map.

IT IS THE INTENT of the foregoing description to include a part of the same land as that in a Deed of Gift from Ines G. Rivas, Sr. a/k/a/ Inez G. Rivas and Oralia S. Rivas to Pamela Rivas, dated March 23, 2006, and filed for record on March 24, 2006, in Volume 7, Page 13210, as Instrument No.2006-1594667, in the Deed Records of Hidalgo County, Texas, according to and being the same land as that shown on map recorded in Volume 13, Page 47 of the Map Records of Hidalgo County, Texas.

This tract is further identified as the Hidalgo County Appraisal District, Property ID No. R221782.

Tract: RGV-MCS-1004E-2

SCHEDULE "C" (Cont.)
LEGAL DESCRIPTION

TEMPORARY ACCESS EASEMENT

Hidalgo County, Texas

Tract: RGV-MCS-1004E-3 Owner: Pamela Rivas, et al. Acres: 0.09

BEING a certain tract of land containing 0.09 of an acre, more or less, of 2.61 acres, more or less, situated in Block 101 of the Los Ebanos Village Subdivision, of the partition of Porciones 38, 39, and 40, Hidalgo County, Texas, being more particularly described as follows:

BEING a strip of land starting at the north edge of the right-of-way of a public road in the southeast corner of said block and running northwesterly adjacent to the south side of the perpetual easement, said strip being approximately 10 feet in width and approximately 363 feet in length, which crosses the land of the subject owner, and contains 0.09 of an acre, more or less, as shown on the attached map.

IT IS THE INTENT of the foregoing description to include a part of the same land as that in a Deed of Gift from Ines G. Rivas, Sr. a/k/a/ Inez G. Rivas and Oralia S. Rivas to Pamela Rivas, dated March 23, 2006, and filed for record on March 24, 2006, in Volume 7, Page 13210, as Instrument No.2006-1594667, in the Deed Records of Hidalgo County, Texas, according to and being the same land as that shown on map recorded in Volume 13, Page 47 of the Map Records of Hidalgo County, Texas.

This tract is further identified as the Hidalgo County Appraisal District, Property ID No. R221782.

Tract: RGV-MCS-1004E-3

SCHEDULE "C" (Cont.)

LEGAL DESCRIPTION

TEMPORARY ACCESS EASEMENT

Hidalgo County, Texas

Tract: RGV-MCS-1004E-4 Owner: Pamela Rivas, et al. Acres: 0.01

BEING a certain tract of land containing 0.01 acres, more or less, of 2.61 acres, more or less, situated in Block 101 of the Los Ebanos Village Subdivision, of the partition of Porciones 38, 39, and 40, Hidalgo County, Texas, being more particularly described as follows:

BEING a strip of land in the southeast corner of said block and running adjacent to the east line of said block, said strip being approximately 10 feet in width and approximately 36 feet in length, which crosses the land of the subject owner, and contains 0.01 acres, more or less, as shown on the attached map.

IT IS THE INTENT of the foregoing description to include a part of the same land as that in a Deed of Gift from Ines G. Rivas, Sr. a/k/a/ Inez G. Rivas and Oralia S. Rivas to Pamela Rivas, dated March 23, 2006, and filed for record on March 24, 2006, in Volume 7, Page 13210, as Instrument No.2006-1594667, in the Deed Records of Hidalgo County, Texas, according to and being the same land as that shown on map recorded in Volume 13, Page 47 of the Map Records of Hidalgo County, Texas.

This tract is further identified as the Hidalgo County Appraisal District, Property ID No. R221782.

Tract: RGV-MCS-1004E-4

SCHEDULE D

SCHEDULE "D"
FEE, EXCLUDING MINERALS



LAND TO BE CONDEMNED

Tract: RGV-MCS-1004
Owner: Pamela Rivas, et al.
Acreage: 0.41
Hidalgo County, TX
Deed Reference: Volume 7, Page 13210, as Instrument No. 2006-1594667, Deed
Records of Hidalgo County, Texas

SCHEDULE "D" (Cont.)
PERPETUAL ROAD EASEMENT



LAND TO BE CONDEMNED

Tract: RGV-MCS-1004E-1
Owner: Pamela Rivas, et al.
Acreage: 0.37
Hidalgo County, TX
Deed Reference: Volume 7, Page 13210, as Instrument No. 2006-1594667, Deed
Records of Hidalgo County, Texas

SCHEDULE "D" (Cont.)
TEMPORARY ACCESS EASEMENT



LAND TO BE CONDEMNED

Tract: RGV-MCS-1004E-2
Owner: Pamela Rivas, et al.
Acreage: 0.10
Hidalgo County, TX
Deed Reference: Volume 7, Page 13210, as Instrument No. 2006-1594667, Deed
Records of Hidalgo County, Texas

SCHEDULE "D" (Cont.)
TEMPORARY ACCESS EASEMENT



LAND TO BE CONDEMNED

Tract: RGV-MCS-1004E-3
Owner: Pamela Rivas, et al.
Acreage: 0.09
Hidalgo County, TX
Deed Reference: Volume 7, Page 13210, as Instrument No. 2006-1594667, Deed
Records of Hidalgo County, Texas

SCHEDULE "D" (Cont.)
TEMPORARY ACCESS EASEMENT



LAND TO BE CONDEMNED

Tract: RGV-MCS-1004E-4
Owner: Pamela Rivas, et al.
Acreage: 0.01
Hidalgo County, TX
Deed Reference: Volume 7, Page 13210, as Instrument No. 2006-1594667, Deed
Records of Hidalgo County, Texas

SCHEDULE E

SCHEDULE "E"
ESTATE TAKEN

FEE, EXCLUDING MINERALS

Hidalgo County, Texas

Tract: RGV-MCS-1004

Owner: Pamela Rivas, et al.

Acres: 0.41

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding all interests in minerals and the rights appurtenant thereto; reserving the following rights and interests in the property being acquired by the United States as described herein: a perpetual right-of-way on both sides of the Federal border barrier for the purpose of gaining access to condemnee's land on the other side of the border barrier; and, the United States grants to the condemnee a perpetual right-of-way across other lands of the United States along and on both sides of the border barrier to reach and utilize the nearest border barrier gate for the purpose of accessing condemnee's lands on the other side. The purpose of this provision is to clarify that the United States is not prohibiting access to condemnee's remaining lands between the border barrier and the Rio Grande River, but is providing a permanent right-of-way to condemnee and all landowners similarly situated to access the nearest border barrier gate which allows entry to the other side of the border barrier from which unacquired land can be accessed.

SCHEDULE "E" (Cont.)
ESTATE TAKEN

PERPETUAL ROAD EASEMENT

Hidalgo County, Texas

Tract: RGV-MCS-1004E-1 Owner: Pamela Rivas, et al. Acres: 0.37

A perpetual and assignable easement and right-of-way in, over and across the land described in Schedule "C" for the location, construction, operation, maintenance, alteration and replacement of a road and appurtenances thereto; together with the right to trim or remove any vegetative or structural obstacles that interfere with the right-of-way; subject to minerals and rights appurtenant thereto, and to existing easements for public roads, highways, public utilities, railroads and pipelines; reserving, however, to the owners, their successors and assigns, the right to use the surface of such land as access to their adjoining land or for any other use consistent with its use as a road.

SCHEDULE "E" (Cont.)
ESTATE TAKEN

TEMPORARY ACCESS EASEMENT

Hidalgo County, Texas

Tract: RGV-MCS-1004E-2, E-3, and E-4

Owner: Pamela Rivas, et al.

Acres: 0.20

A temporary and assignable easement and right-of-way in, over and across the land described in Schedule "C" for a period not to exceed 24 months, beginning with date possession of the land is granted to the United States, for the location, construction, operation, maintenance, alteration and replacement of roads and appurtenances thereto; together with the right to trim or remove any vegetative or structural obstacles that interfere with the right-of-way; subject to minerals and rights appurtenant thereto, and to existing easements for public roads, highways, public utilities, railroads and pipelines; reserving, however, to the owners, their successors and assigns, the right to use the surface of such land as access to their adjoining land or for any other use consistent with its use as a road.

SCHEDULE F

SCHEDULE "F"
ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is FIVE THOUSAND FIVE HUNDRED DOLLARS AND NO/100 (\$5,500.00), to be deposited herewith in the registry of said Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE "G"
NAMES AND ADDRESSES OF INTERESTED PARTIES:

Pamela Rivas
4719 N. Gwin Rd.
Edinburg, TX 78541

Armando Barrera, Jr., RTA
Hidalgo County Tax Assessor-Collector
Administration Building
2800 South U.S. Highway 281
Edinburg, TX 78539